

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1455 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RELIANCE TELECOM LTD

Versus

UNION OF INDIA

Appearance:

MR KS NANAVATI for Petitioners

MR PB MAJMUDAR for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 24/03/99

ORAL JUDGEMENT

Both the learned counsel for the parties passed over a draft order and prayed that this writ petition may be disposed of in terms of that draft order. Order accordingly.

The petitioners are permitted to withdraw this petition with liberty to invoke Arbitration Clause in the Licence Agreement for subject matter of the petition,

which relate to extension of effective date, payment of licence fees with interest thereon for the second year and payment of liquidated damages as Claimed by Respondents Nos. 1 to 3 otherwise and to file application before the Hon'ble Delhi High Court under Sec.9 of the Arbitration and Conciliation Act, 1996. Liberty is granted to the petitioners to file a fresh petition in this court or initiating appropriate proceedings praying for directions to respondent Nos. 1 to 4 directing them to grant to the petitioners necessary permissions/clearances to enable them to set up infrastructure for commencing services in Gujarat. However, it shall be open to the respondents to raise the objection that the dispute as raised by the petitioners under section 9 of the Arbitration and Conciliation Act, 1996 is not referable to the Arbitrator as well as they have all the right to raise all objections, contentions, re: maintainability of the fresh petition, if filed by the petitioner otherwise than that the petition is not maintainable on the ground that earlier petition is withdrawn.

This special civil application and Rule stand disposed of accordingly with no order as to costs.

zgs/-